**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 9617 of 2004**

Between:
Yeluri Rambabu, s/o.Krishna Murthy,
R/o.Gontuvanipalem (V), Addateegala (M),E.G.Dist.
..... PETITIONER

AND

1 The Addl. Agent to the Govt. and P.O.,I.T.D.A,
Rampachodavaram,E.G.Dist.
2 The Special Deputy Collector, (Tribunal
Welfare) Rampachodavaram, E.G.Dist.
3 The Mandal Revenue Officer, Addateegala (M), E.G.District.
4 B.Pentamma, W/o.Nukaraju,
R/o.Gontivanipalem (V), Addateegala (M),E.G.Dist.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in dispossessing the petitioner from the land to an extent of Ac.1.66 cents in Sy.No.94 of Gontunanipalem (V), Addateegala (M), E.G.Dist. in pursuance of the order in L.T.R.P.No.39/2003, dt.24-12-2003 signed on 12-2-2004 passed by the 2nd respondent as illegal, arbitrary and consequently direct the respondents not to dispossess the petitioner from the above land pending disposal of the appeal preferred before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents 1 to 3: GP FOR SOCIAL WELFARE

**The Court at the stage of admission made the following ORDER:**

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not passing any orders on the stay petition, pending disposal of the appeal, which was filed by him against the order of the second respondent in L.T.R.P.No.39 of 2003, dated 24.12.2003.

2. It is the case of the petitioner that at the instance of the fourth respondent, the second respondent initiated proceedings against him for eviction under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulations 1/59, as amended by Regulation 1/70. It is also the case of the petitioner that his father purchased an extent of Ac.1.66 cents in Survey No.94 of Gontuvanipalem village, Addateegala Mandal, East Godavari district from one Avupati Venkata Ratnam for a sum of Rs.4,000/- in the year 1971. It is also his case that he and his father were in continuous possession of the said land. But, however, at the instance of the fourth respondent, proceedings were initiated against him and an order of eviction was passed. Aggrieved by that the petitioner filed an appeal before the Addl. Agent to the Government-first respondent and along with it, he filed an application for stay of the proceedings as he apprehends that he may be evicted. But, the first respondent did not pass any orders so far. Therefore, the petitioner has come up with the present writ petition.

3. The learned counsel for the petitioner sought for a direction to the first respondent to dispose of the stay petition as well as the appeal, and pending disposal of the appeal, the respondents shall be directed not to dispossess the petitioner.

4. The learned Government Pleader, however, contended that the petitioner had approached the appellate authority only on 29.05.2004 and not even two weeks had elapsed so as to dispose of the stay petition. Therefore, it is not a fit case to entertain the writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

6. Admittedly, the appeal filed by the petitioner before the first respondent against the order of the second respondent is pending and no orders have been passed so far even on the stay petition filed by the petitioner.

7. Under the above circumstances, the present writ petition is disposed of directing the first respondent to dispose of the appeal itself filed by the petitioner against the order of the second respondent expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending disposal of the appeal by the first respondent, the respondents are directed to maintain status quo as to the possession of the land in an extent of Ac.1.66 cents in Survey No.94 of Gontuvanipalem village, Addateegala Mandal, East Godavari district.

8. The writ petition is accordingly disposed of at the admission stage.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

16.06.2004
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**One Fair copy to the Hon'ble Sri Justice S. Ananda Reddy (for his lordship's kind perusal)**

To

1 The Addl. Agent to the Govt. and P.O.,I.T.D.A, Rampachodavaram,E.G.Dist.
2 The Special Deputy Collector, (Tribunal Welfare) Rampachodavaram, E.G.Dist.
3 The Mandal Revenue Officer, Addateegala (M), E.G.District.
4 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)
5 2 CD copies